

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

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|---------------------------|---|------------------------------|
| United States of America, |) | |
| |) | |
| |) | |
| vs. |) | Case No. 05-0113-01-CR-W-FJG |
| |) | |
| Charles Jacobs, |) | |
| |) | |
| |) | |

ORDER

Pending before the Court is the issue of defendant's competency. On May 13, 2005, defendant filed a motion for determination of competency (Doc. #14). Thereafter, on August 22, 2005, Chief Magistrate John T. Maughmer held a hearing regarding defendant's competency at which time the parties stipulated to a report prepared by Patricia A. Hyatt, Ph.D. That report concluded that defendant does not suffer from a mental disease or defect that would substantially impair his present ability to understand the nature and consequences of the proceedings against him, or to assist in his defense.

Chief Magistrate Maughmer issued a report and recommendation (Doc. #11), filed August 25, 2005, finding that defendant is competent to understand the nature and consequence of the proceedings against him and to assist properly in his defense. Objections to the report and recommendation were waived by counsel at the September 8, 2005, plea hearing.

The Court, after independent review of the record and applicable law, finds that defendant is not currently suffering from a mental disease or defect which would prevent him from understanding the nature and consequences of the proceedings against him or assist in his own defense.

IT IS SO ORDERED.

/s/Fernando J. Gaitan, Jr.
Judge Fernando J. Gaitan, Jr.
United States District Judge

Dated: September 8, 2005
Kansas City, Missouri